

HOUSE BILL No. 1147

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-36-19; IC 6-6-5-2; IC 9-14-2-10; IC 9-18.

Synopsis: Property tax collection. Requires a vehicle registration applicant to furnish proof, as a condition of registering a vehicle, that the vehicle registration applicant (applicant) has paid all relevant property taxes, special assessments, interest, and penalties for which the applicant is liable. Provides that county auditors shall issue certifications to eligible registrants of motor vehicles in their respective counties that: (1) the registrant's liability for all relevant property taxes, special assessments, penalties, and interest is paid in full; or (2) the registrant is not liable for any property taxes, special assessments, penalties, and interest. Requires the bureau of motor vehicles, in cooperation with the department of local government finance, the county auditors, and the county treasurers, to produce a computerized information system for verifying whether an applicant has paid all the relevant property taxes, special assessments, interest, and penalties for which the applicant is liable.

Effective: July 1, 2016.

Smith V

January 7, 2016, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1147

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-36-19 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 19. (a) The following definitions apply throughout**
4 **this section:**

5 (1) "Person" has the meaning set forth in IC 9-13-2-124.

6 (2) "Vehicle" has the meaning set forth in IC 9-13-2-196.

7 **(b) Before the tenth day of each month beginning after**
8 **November 30, 2016, a county auditor shall determine those persons**
9 **who:**

10 (1) **registered a vehicle under IC 9-18-2 at an address in the**
11 **county before the first day of the month and whose vehicle**
12 **registration is due for renewal in the following month, as**
13 **indicated in the records furnished to the county auditor by the**
14 **bureau of motor vehicles; and**

15 (2) **either:**

16 (A) **were liable under this article for the payment of**
17 **property taxes, special assessments, interest, or penalties**



that were first due and payable before December 1 of the year immediately preceding the year in which the vehicle registration is due to be renewed and have paid that liability in full; or

(B) were not liable under this article for the payment of property taxes, special assessments, interest, or penalties that were first due and payable before December 1 of the year immediately preceding the year in which the vehicle registration is due to be renewed.

(c) Except as provided in subsection (d), each month beginning after November 30, 2016, after determining the list of persons to whom subsection (b)(1) and (b)(2) apply, the county auditor shall promptly mail to each person on the list prepared by the county auditor under subsection (b) one (1) of the following certifications, as applicable, on forms prescribed by the department of local government finance:

(1) A certification that the person was liable under this article for the payment of property taxes, special assessments, interest, or penalties that were first due and payable before December 1 of the year immediately preceding the year in which the vehicle registration is due to be renewed and the person has paid that liability in full.

(2) A certification that the person was not liable under this article for the payment of property taxes, special assessments, interest, or penalties that were first due and payable before December 1 of the year immediately preceding the year in which the vehicle registration is due to be renewed.

(d) If the computerized information system under IC 9-14-2-10 is operational in a county, a county auditor:

(1) is not required to mail the certifications described in subsection (c); and

(2) shall instead furnish the certifications described in subsection (c) by means of the computerized information system under IC 9-14-2-10.

(e) In addition to the requirements of subsections (c) and (d), a county auditor shall, upon request, furnish the appropriate certification to a person whose name is on a list prepared by the county auditor under subsection (b).

(f) By the second day of each month beginning after November 30, 2016, the bureau of motor vehicles shall furnish to each county auditor the names and addresses of each person who registered a vehicle under IC 9-18-2 at an address in the county before the first



1 **day of the month and whose vehicle registration is due for renewal**
 2 **in the following month.**

3 SECTION 2. IC 6-6-5-2, AS AMENDED BY P.L.146-2008,
 4 SECTION 352, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2016]: Sec. 2. (a) There is imposed an annual
 6 license excise tax upon vehicles, which tax shall be in lieu of the ad
 7 valorem property tax levied for state or local purposes, but in addition
 8 to any registration fees imposed on such vehicles.

9 (b) The tax imposed by this chapter is a listed tax and subject to the
 10 provisions of IC 6-8.1.

11 (c) No vehicle, as defined in section 1 of this chapter, shall be
 12 assessed as personal property for the purpose of the assessment and
 13 levy of personal property taxes or shall be subject to ad valorem taxes
 14 whether or not such vehicle is in fact registered pursuant to the motor
 15 vehicle registration laws. ~~No person shall be required to give proof of~~
 16 ~~the payment of ad valorem property taxes as a condition to the~~
 17 ~~registration of any vehicle that is subject to the tax imposed by this~~
 18 ~~chapter.~~

19 SECTION 3. IC 9-14-2-10 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2016]: **Sec. 10. The bureau, in cooperation with the department**
 22 **of local government finance, the county auditors, and the county**
 23 **treasurers, shall produce a computerized information system for**
 24 **the bureau's use in verifying whether a vehicle registration**
 25 **applicant has satisfied the vehicle registration applicant's liability**
 26 **under IC 6-1.1 for the payment of any applicable property taxes,**
 27 **special assessments, interest, and penalties.**

28 SECTION 4. IC 9-18-2-8, AS AMENDED BY P.L.149-2015,
 29 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2016]: Sec. 8. (a) Except as provided in section 7(f) of this
 31 chapter and subsection (f), the bureau shall determine the schedule for
 32 registration for the following categories of vehicles:

- 33 (1) Passenger motor vehicles.
- 34 (2) Recreational vehicles.
- 35 (3) Motorcycles.
- 36 (4) Trucks that:
 - 37 (A) are regularly rented to others for not more than
 - 38 twenty-nine (29) days in the regular course of the corporation's
 - 39 business; and
 - 40 (B) have a declared gross weight of not more than eleven
 - 41 thousand (11,000) pounds.
- 42 (5) Motor driven cycles.



(6) Trailers that have a declared gross weight of not more than three thousand (3,000) pounds.

(b) Except as provided in IC 9-18-12-2.5, a person that owns a vehicle shall receive a license plate, renewal sticker, or other indicia upon registration of the vehicle. The bureau may determine the indicia required to be displayed.

(c) A corporation that owns a vehicle that is regularly rented to others for periods of not more than twenty-nine (29) days in the regular course of the corporation's business must register the vehicle on the date prescribed by the bureau.

(d) A person that owns a vehicle in a category required to be registered under this section and desires to register the vehicle for the first time must apply to the bureau for a certificate of registration. The bureau shall do the following:

(1) Administer the certificate of registration.

(2) Issue the license plate according to the bureau's central fulfillment processes.

(3) Collect the proper fee in accordance with the procedure established by the bureau.

(4) After December 31, 2016, verify that any relevant liability under IC 6-1.1 for property taxes, special assessments, interest, or penalties has been paid in full.

(e) Except as provided in IC 9-18-12-2.5, the bureau shall issue a semipermanent plate under section 30 of this chapter, or:

(1) an annual renewal sticker; or

(2) other indicia;

to be affixed on the semipermanent plate.

(f) After June 30, 2011, the registration of a vehicle under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) expires on December 14 of each year. However, if a vehicle is registered under IC 9-18-16-1(a)(1) or IC 9-18-16-1(a)(2) and the registration of the vehicle is in effect on June 30, 2011, the registration of the vehicle remains valid:

(1) throughout calendar year 2011; and

(2) during the period that:

(A) begins January 1, 2012; and

(B) ends on the date on which the vehicle was due for reregistration under the law in effect before this subsection took effect.

(g) After December 31, 2015, a person that:

(1) owns a private bus; and

(2) desires to:

(A) register for the first time; or



1 (B) reregister;
 2 the private bus;
 3 must present to the bureau an unexpired certificate indicating
 4 compliance with an inspection program established under
 5 IC 9-19-22-3, in addition to any other information required by the
 6 bureau.

7 SECTION 5. IC 9-18-2-16, AS AMENDED BY P.L.149-2015,
 8 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2016]: Sec. 16. (a) A person who desires to register a vehicle
 10 with the bureau must provide the following:

11 (1) The:

- 12 (A) name, bona fide residence, and mailing address, including
 13 the name of the county, of the person who owns the vehicle; or
 14 (B) business address, including the name of the county, of the
 15 person that owns the vehicle if the person is a firm, a
 16 partnership, an association, a corporation, a limited liability
 17 company, or a unit of government.

18 If the vehicle that is being registered has been leased and is
 19 subject to the motor vehicle excise tax under IC 6-6-5 or the
 20 commercial vehicle excise tax under IC 6-6-5.5, the address of the
 21 person who is leasing the vehicle must be provided. If the vehicle
 22 that is being registered has been leased and is not subject to the
 23 motor vehicle excise tax under IC 6-6-5 or the commercial vehicle
 24 excise tax under IC 6-6-5.5, the address of the person who owns
 25 the vehicle, the person who is the lessor of the vehicle, or the
 26 person who is the lessee of the vehicle must be provided. If a
 27 leased vehicle is to be registered under the International
 28 Registration Plan, the registration procedures are governed by the
 29 terms of the plan.

30 (2) A brief description of the vehicle to be registered, including
 31 the following information if available:

- 32 (A) The name of the manufacturer of the vehicle.
 33 (B) The vehicle or special identification number.
 34 (C) The manufacturer's rated capacity if the vehicle is a truck,
 35 tractor, trailer, or semitrailer.
 36 (D) The type of body of the vehicle.
 37 (E) The model year of the vehicle.
 38 (F) The color of the vehicle.
 39 (G) Any other information reasonably required by the bureau
 40 to enable the bureau to determine if the vehicle may be
 41 registered. The bureau may request the person applying for
 42 registration to provide the vehicle's odometer reading.



(3) This subdivision applies after December 31, 2016. Proof that the person does not have any unpaid liability under IC 6-1.1 for property taxes, interest, or special assessments that were first due and payable before December 1 of the year immediately preceding the year in which the person desires to register the vehicle, in the form of a certification issued by the county auditor of the county in which the address specified in subdivision (1) is located that:

(A) the person has paid the person's liability under IC 6-1.1 for property taxes, special assessments, interest, and penalties that were first due and payable before December 1 of the year immediately preceding the year in which the person desires to register the vehicle; or

(B) the person was not liable under IC 6-1.1 for property taxes, special assessments, interest, or penalties that were first due and payable before December 1 of the year immediately preceding the year in which the person desires to register the vehicle;

as applicable. The proof required by this subdivision may be made by means of a form prescribed by the department of local government finance or, when available, by means of the computerized information system under IC 9-14-2-10.

~~(3)~~ (b) The A person registering the a vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The bureau must:

~~(A)~~ (1) allow the person registering the vehicle to indicate the amount the person desires to donate; and

~~(B)~~ (2) provide that the minimum amount a person may donate is one dollar (\$1).

Funds collected under this ~~subdivision~~ **subsection** shall be deposited with the treasurer of state in a special account. The auditor of state shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this ~~subdivision~~ **subsection** the costs incurred by the bureau in implementing and administering this subdivision.

~~(b)~~ (c) The department of state revenue may audit records of persons who register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan to verify the accuracy of the application and collect or refund fees due.

SECTION 6. IC 9-18-4-7, AS AMENDED BY P.L.125-2012, SECTION 103, IS AMENDED TO READ AS FOLLOWS



- 1 [EFFECTIVE JULY 1, 2016]: Sec. 7. (a) The bureau may:
2 (1) prescribe forms; and
3 (2) adopt rules;
4 to implement this chapter.
5 (b) A form prescribed under this section must include the
6 information described in ~~IC 9-18-2-16(a)(3)~~. **IC 9-18-2-16(b)**.

